

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHANCELOR DAYNE BENSON,

Plaintiff,

-v.-

VOSS EVENTS, INC.,

Defendant.

20 Civ. 6874 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

A court resolving a motion to compel arbitration applies a standard similar to that for summary judgment. *Meyer v. Uber Techs., Inc.*, 868 F.3d 66, 74 (2d Cir. 2017) (quoting *Nicosia v. Amazon.com, Inc.*, 834 F.3d 220, 229 (2d Cir. 2016)). After discussing Defendant’s anticipated motion to compel arbitration with the parties on the record on February 23, 2021, and following a careful review of the record, the Court believes that there is a disputed issue of fact as to the existence of a binding arbitration agreement between the parties. Accordingly, the Court orders limited, targeted discovery into the existence *vel non* of an arbitration agreement between the parties. *See Moton v. Maplebear Inc.*, No. 15 Civ. 8879 (CM), 2016 WL 616343, at *4 (S.D.N.Y. Feb. 9, 2016) (“Courts have permitted limited discovery into the validity of the arbitration agreement ... when the party opposing arbitration ‘come[s] forth with reliable evidence ... that it did not intend to be bound by the arbitration agreement[.]’” (quoting *Guidotti v. Legal Helpers Debt Resolution, LLC*, 716 F.3d 764, 774 (3d Cir. 2013))). The parties shall complete this expedited, targeted discovery within 60 days of the date of this Order, at which time Defendant

shall inform the Court, in writing, whether it intends to move to compel arbitration or otherwise respond to the Amended Complaint. Defendant's obligation to respond to the Amended Complaint is hereby STAYED pending targeted discovery into the issue of arbitrability, as is all other fact discovery in this case.

SO ORDERED.

Dated: February 24, 2021
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge